

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

**A federal court authorized this notice.
*This is not a solicitation from a lawyer.***

You are receiving this notice because the business records of LeafFilter North, LLC (“LeafFilter”) show that you are the owner of a LeafFilter Gutter System and you opened a service ticket with LeafFilter relating to Debris Accumulation. You may be eligible to receive certain benefits from a class action settlement. Benefits of the settlement include receipt of three (3) Vouchers for future Debris Accumulation Cleanings (normally a \$285 value) at no additional cost to you. Alternatively, you may be eligible to receive cash reimbursement up to \$200 if you incurred out-of-pocket expenses for cleaning debris off the top of your LeafFilter Gutter System or removed your LeafFilter Gutter System entirely because of issues with Debris Accumulation. **You MUST submit a Claim Form (enclosed) to receive a benefit under this settlement. Claim Forms may be submitted via U.S. Mail or online through the Settlement Website, www.INSERT.com.**

Your legal rights are affected whether you act or don’t act. Read this notice carefully. If you know or suspect that your LeafFilter Gutter System has caused significant damage to your home, you should strongly consider excluding yourself from this Settlement (see below).

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
SUBMIT A CLAIM FORM	The only way for you to get reimbursement for Debris Accumulation Cleanings or removal of your LeafFilter Gutter System, and/or up to three Vouchers for future cleanings is to timely submit a valid Claim Form. If you <u>timely</u> submit a valid Claim Form (enclosed) along with the required documentation, by ____, 2023 you can obtain reimbursement of eligible expenses and/or up to three Vouchers for future cleanings.
ASK TO BE EXCLUDED	Receive no reimbursement, no Vouchers for future cleanings, or other benefits. Get out of this lawsuit but keep your individual right to sue. If you ask to be excluded, you will not be eligible for benefits from this settlement, but you will maintain your right to pursue an individual claim against LeafFilter North, LLC about the claims in this lawsuit.
COMMENT OR OBJECT	Comment in writing about why you like or don’t like the proposed settlement. You may comment in writing about why you like or dislike the proposed settlement by sending a letter to the Settlement Administrator, or by filing an objection with the Court on your own or through an attorney. In order to comment or object to the proposed settlement, you must remain a member of the Settlement Class (<i>i.e.</i> , you cannot ask to be excluded).
DO NOTHING	Receive no reimbursement, no Vouchers for future cleanings, or other benefits. Give up your rights to sue. By doing nothing, you will not be eligible for reimbursement of out-of-pocket expenses or the up to three Vouchers for future cleanings, assuming you would otherwise qualify. You will also give up any rights to sue LeafFilter North, LLC on an individual basis separately about the claims in this lawsuit.

These rights and options—and the deadlines to exercise them—are explained in this Notice.

- The Court in charge of this case still has to decide whether to approve the proposed settlement.

Questions? Visit www.INSERT.com or call toll free _____

Claim Forms will be processed and approved, and benefits and payments will be issued **after** the proposed settlement has been approved by the Court and becomes in all respects Final.

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BASIC INFORMATION

1. What is the purpose of this Notice?

You are receiving this notice because LeafFilter North, LLC's ("LeafFilter") records identified you as a possible Settlement Class Member in a proposed settlement of a federal class action lawsuit pending in the United States District Court for the Southern District of Ohio, *Zilinsky, et al. v. LeafFilter North, LLC, Inc.*, Case No. 2:20-cv-6229-MHW-KAJ (the "Litigation"). You are a Settlement Class Member if you are the owner of a LeafFilter Gutter System and you opened a service ticket with LeafFilter for issues relating to debris accumulating on top of the Gutter System.

As a possible member of the proposed Settlement Class, you have a right to know about the Litigation and proposed settlement. The judge who is overseeing the case, the Honorable Michael H. Watson, authorized this Notice, which explains the Litigation, the proposed settlement, your legal rights, what benefits are available, who is eligible for them, and how to obtain them. You have various options that you may exercise before the Court decides whether to approve the proposed settlement. If the Court approves the proposed settlement and the settlement becomes in all respects final, then the Defendant, LeafFilter, will provide certain benefits to the Settlement Class Members who filed a valid claim form, including reimbursement for up to \$200 for prior Debris Removal Cleanings or removal of the LeafFilter Gutter System due to issues with Debris Accumulation, and/or up to three Vouchers for future Debris Removal Cleanings at no cost to you.

2. What is this lawsuit about?

This Litigation is about Debris Accumulation (the buildup, collection, or aggregation of organic material such as leaves, pine needles, twigs, branches, seeds, and pollen) and/or inorganic material (including but not limited to shingle grit) on top of the LeafFilter Gutter System.

The Named Plaintiffs allege that the LeafFilter Gutter System was represented to be maintenance free, yet suffers from Debris Accumulation that requires periodic cleanings. Plaintiffs allege that LeafFilter should have disclosed that the LeafFilter Gutter System had issues with Debris Accumulation prior to sale or remedied the issue under warranty within a reasonable period of time after the sale. LeafFilter expressly and vigorously denies the allegations in the Litigation, including the allegation that the LeafFilter Gutter System accumulates debris or suffers from any defect whatsoever. LeafFilter further denies that it has engaged in any wrongdoing, and specifically denies all claims described above and asserted in the Litigation.

You can read all of Plaintiffs' allegations in the First Amended Class Action Complaint, available at www.leafilter.com.

3. What is a class action lawsuit and who is involved?

In a class action lawsuit, one or more persons, called "Named Plaintiffs" sue on behalf of other people who are alleged to have similar claims ("Proposed Class"). The Named Plaintiffs and the Proposed Class are collectively called the "Plaintiffs," and their attorneys are referred to as "Class Counsel." The company that has been sued (here, LeafFilter) is called the "Defendant." In a class action lawsuit, all factual questions and legal issues are resolved for all Plaintiffs, except for those people who choose to exclude themselves from the Class. Judge Michael H. Watson is presiding over this class action.

Questions? Visit www.leafilter.com or call toll free _____

4. Why is there a proposed settlement?

The Court has not decided in favor of Plaintiffs or LeafFilter. Instead, both sides agreed to a proposed settlement on behalf of everyone in the proposed Settlement Class. By agreeing to a proposed settlement, all parties avoid the cost of a trial, and Settlement Class Members are eligible to receive certain agreed-upon benefits which will be provided if the proposed settlement is approved and becomes Final. The Class Representatives and Class Counsel believe the proposed settlement is in the best interests of Settlement Class Members.

WHO IS IN THE SETTLEMENT?

5. Am I part of this Settlement Class?

Judge Watson preliminarily approved the following class for settlement purposes only:

All LeafFilter customers in the United States who appear in LeafFilter's customer care database with a Debris-Related Final Issue Code for their service request ("Class Members") from January 1, 2016 through ___, 2022.

6. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.____.com, by calling [XXX](tel:XXX), or by writing to Class Counsel at the address listed in response to Question 25, below.

SETTLEMENT BENEFITS – WHAT YOU GET

7. What benefits are available and for whom?

Settlement Class Members are eligible to file claims for one of the following Benefits:

Benefit 1

- Reimbursement for up to two Debris Removal Cleanings of a LeafFilter Gutter System. The maximum amount of each individual reimbursement is not to exceed \$100, and the total amount of reimbursement shall not exceed \$200.
- Claims for reimbursement shall be supported by Proof of Expense demonstrating that the Class Member paid out of pocket money to remove Debris Accumulation from their LeafFilter system prior to June __, 2022. Fees for other work shall not be reimbursed.
- As part of completing the Claim Form, Class Members must certify that their LeafFilter Gutter System experienced Debris Accumulation.

Benefit 2

- Reimbursement for one Debris Removal Cleaning of a LeafFilter Gutter System, and Vouchers for two future LeafFilter system Debris Removal Cleanings. The maximum amount of such reimbursement is not to exceed \$100.

Questions? Visit www.____.com or call toll free _____

- Claims for reimbursement shall be supported by Proof of Expense demonstrating that the Class Member paid out of pocket money to remove Debris Accumulation from the LeafFilter system prior to ___, 2022. Fees for other work shall not be reimbursed.
- As part of completing the Claim Form, Class Members must certify that their LeafFilter Gutter System experienced Debris Accumulation.
- The Voucher cleanings are to be performed by LeafFilter or its agents and shall be performed within thirty (30) days of request by Class Member.
- Vouchers shall be fully transferrable.

Benefit 3

- Vouchers for three future LeafFilter Gutter System Debris Removal cleanings.
- As part of completing the Claim Form, Class Members must certify that their LeafFilter Gutter System experienced Debris Accumulation.
- The Voucher cleanings are to be performed by LeafFilter or its agents and shall be performed within thirty (30) days of request by Class Member.
- Vouchers shall be fully transferrable.

Benefit 4

- Reimbursement of up to \$200 for costs related to the removal of the LeafFilter Gutter System from their home because of Debris Accumulation problems.
- Claims for reimbursement shall be supported by Proof of Expense demonstrating that the Class Member paid out of pocket money to remove the LeafFilter Gutter System.
- As part of completing the Claim Form, Class Members must certify that their LeafFilter Gutter System experienced Debris Accumulation and that the system was removed for that reason.

8. How do I get reimbursed?

To receive reimbursement, you must do 4 things:

- (1) Complete the Claim Form by providing all requested information;
- (2) Enclose a copy of all required documentation and a proof of expense for each eligible reimbursement;
- (3) Sign and date your Claim Form; and
- (4) Mail the Claim Form to the Settlement Administrator or submit your claim electronically through the Settlement website (www.INSERT.com) by the deadline.

Your Claim Form(s) must be postmarked or submitted electronically by _____.

The Claim Form is enclosed with this Notice, and you can obtain additional copies to print at www.INSERT.com.

9. What if I don't submit my Claim Form by the deadline?

Questions? Visit www.INSERT.com or call toll free _____

If you fail to submit the Claim Form by the required deadline (_____, 2023), your Claim will be denied as untimely. Submitting a Claim Form late will be the same as doing nothing (*see* Question 23).

10. When do I get reimbursed?

The Court will hold a hearing (the “Final Approval Hearing”) on _____ at the Joseph P. Kinneary U.S. Courthouse, Room 109, 85 Marconi Boulevard, Columbus, Ohio 43215, to decide whether the settlement is fair, reasonable, and adequate. Even if the Court approves the proposed settlement, there might be appeals that delay the conclusion of the case and prevent it from becoming final. It is always uncertain whether such appeals can be quickly resolved, and resolving them can take months or even years. For that reason, at this time there is no way to determine if and when reimbursement payments will be issued. Information about the progress of the case will be available on the settlement website: www._____.com.

If the Settlement Administrator determines your claim should not be paid or should be paid only in part, you will be mailed a letter telling you the amount you are to receive, if any, and explaining how you can appeal the decision, if you wish to do so.

11. What am I giving up in order to receive the benefits of the settlement?

Unless you exclude yourself, you will remain a member of the Settlement Class. That means that you will not be able to sue, continue to sue, or be a part of any other lawsuit against LeafFilter about the legal issues in this Litigation. It also means that all of the Court’s orders in this Litigation will apply to you and legally bind you.

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I get out of this settlement?

If you want to keep the right to sue LeafFilter, on your own as an individual, about the legal issues in this Litigation including debris removal, then you must take steps to exclude yourself from the Settlement Class and the settlement. This is sometimes referred to as “opting out.” To exclude yourself from the settlement, you must take one of two actions:

- 1) Send an email to the Settlement Administrator saying that you want to be excluded from *Zilinsky, et al. v. LeafFilter North, LLC.*, Case No. 2:20-cv-6229-MHW (KAJ) (S.D. Ohio), and include your:
 - full name;
 - mailing address;
 - telephone number; and
 - clear statement communicating that you want to be excluded from the Settlement Class, do not wish to be a Settlement Class Member, and want to be excluded from any judgment entered pursuant to the settlement.

If you decide to exclude yourself from the Settlement Class by email, your email must be sent to _____.com no later than _____, 2023.

Or

Questions? Visit www._____.com or call toll free _____

2) Send a letter to the Settlement Administrator by U.S. mail (or an express mail carrier) saying that you want to be excluded from *Zilinsky, et al. v. LeafFilter North, LLC.*, Case No. 2:20-cv-6229-MHW (KAJ) (S.D. Ohio), and include your:

- full name;
- mailing address;
- telephone number; and
- a clear statement communicating that you want to be excluded from the Settlement Class, do not wish to be a Settlement Class Member, and want to be excluded from any judgment entered pursuant to the settlement.

If you decide to exclude yourself from the Settlement Class by letter, you must mail your letter to the following address, postmarked no later than _____:

**Settlement Administrator
Leaf Filter Class Action Settlement
[Address]**

If you submit a valid request to exclude yourself from the Settlement Class, you will not receive any benefits of the settlement and you cannot object to the settlement. You will not be legally bound by anything that happens in this proposed settlement. Exclusion requests must be mailed no later than _____, 2023.

13. If I don't exclude myself, can I sue LeafFilter later?

No. If you do not timely submit a valid Exclusion Request, you will remain a part of the Settlement Class and you will not be able to sue LeafFilter for the legal claims that are released as part of the Settlement.

14. If I exclude myself can I get money from this Settlement?

No. If you submit a valid Exclusion Request, you will not receive benefits of the settlement and you cannot object to the proposed settlement. If you exclude yourself, you should not submit a Claim Form seeking reimbursement. You cannot both exclude yourself and seek any benefits of the settlement. If you want to receive benefits under the proposed settlement you cannot exclude yourself from the proposed settlement.

15. Should I exclude myself from this Settlement if I know or suspect my home has been damaged by the LeafFilter Gutter System?

Anyone who knows or has reason to suspect that their LeafFilter Gutter System has caused significant damage to their home (including the foundation, fascia, etc.) should strongly consider opting-out of this Settlement Class to preserve their rights to bring an individual lawsuit against LeafFilter, if appropriate.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court has decided that the following law firms are qualified to represent you and all Settlement Class Members for purposes of this proposed settlement:

Questions? Visit www.leafilter.com or call toll free 1-800-368-5273

- (1) Varnell and Warwick, P.A. of Tampa, Florida; and
- (2) Goldenberg Schneider, LPA of Cincinnati, Ohio.

Together these law firms are called “Class Counsel.” They are experienced in handling class action cases for defective products. More information about these law firms, their practices, and their lawyers’ experience is available at www.VandWlaw.com and www.gs-legal.com.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. However, if you want to hire your own lawyer, you may do so at your own expense.

18. How will the lawyers be paid?

Class Counsel has not received any fees or reimbursement for any of their expenses associated with this case. As part of the proposed settlement, Class Counsel will seek reasonable attorneys’ fees and expenses not to exceed a total of \$1,775,000, as ordered by the Court. By __, 2023 they Class Counsel will file an application with the Court requesting that the Court award Class Counsel Fees and Expenses. Any fees or expenses that Class Counsel request must be approved by the Court and will not reduce the benefits Settlement Class Members can receive under the proposed settlement.

Class Counsel’s application will also ask the Court to approve Service Awards not to exceed \$3,500 for each Named Plaintiffs to compensate them for their time and effort litigating this case on behalf of the Settlement Class. Again, the Service Awards will not reduce the benefits Settlement Class Members can receive under the proposed settlement.

Once filed, Class Counsel’s application for fees and expenses and the Named Plaintiffs’ Service Awards will be available on the Settlement Website, www.____.com.

Neither the Class Counsel’s fees and expenses nor the Service Awards will reduce any of the benefits you may receive under the proposed settlement.

OBJECTING TO THE SETTLEMENT

19. How do I tell the Court that I like or do not like the proposed settlement?

You can tell the Court that you do or do not agree with the proposed settlement or some part of it.

If you remain a Settlement Class Member (that is, if you do not exclude yourself, or opt-out, from the settlement), then you can tell the Court that you like the proposed settlement and it should be approved, or you object to all or part of the proposed settlement. The Court will consider all comments from Settlement Class Members.

To comment or object, you must send a letter to the Settlement Administrator, to Class Counsel, or LeafFilter’s Counsel at the addresses indicated below, specifically stating whether you are commenting or objecting on the settlement in *Zilinsky, et al. v. LeafFilter North, LLC*, Case No. 2:20-cv-6229-MHW (KAJ) (S.D. Ohio), and include your:

- full name;
- mailing address;

Questions? Visit www.____ or call toll free _____

- telephone number;
- approximate date of purchase of LeafFilter Gutter System;
- statement that you have reviewed the Settlement Class definition and understand that you are a Settlement Class Member;
- explanation of your factual and legal grounds for objecting;
- statement as to whether your objection applies only to you, to a specific subset of the Settlement Class, or to the entire Settlement Class;
- copies of any documents supporting your objection; and
- signature.

You do not need to hire legal counsel to comment on or object to the settlement. But, if you are represented by legal counsel, you must also identify your counsel and file your comment or objection to the settlement electronically with the Court.

Any Settlement Class Member objecting to the settlement (each an “Objector”) must also provide a list of all objections to any other class action settlements submitted by him or her, or his or her legal counsel, to any court in connection with a class action settlement in the previous five (5) years. If the Objector or his or her counsel has *not* objected to any other class action settlement in any court in the United States in the previous five (5) years, he or she must affirmatively state as much in their submission to the Court.

The filing of an objection allows Class Counsel or LeafFilter’s Counsel to take the Objector’s deposition consistent with the Federal Rules of Civil Procedure at an agreed-upon location, and to seek any documentary evidence or other tangible things that are relevant to the objection. Failure by an Objector to make himself or herself available for a deposition or otherwise comply with expedited discovery requests may result in the Court striking the Objector’s objection and otherwise denying the Objector the opportunity to make an objection or be further heard.

If you intend to appear at the Final Approval Hearing, your comment or objection must identify the attorneys representing you, if any, who will appear at the Final Approval Hearing.

You must mail your comment or objection to the Court, Settlement Administrator, Class Counsel and LeafFilter’s Counsel at the following addresses, postmarked no later than ____:

Clerk of Court
Joseph P. Kinneary U.S. Courthouse
85 Marconi Boulevard
Columbus, Ohio 43215

Settlement Administrator	Class Counsel	Defense Counsel
Settlement Administrator Zilinsky Class Action Settlement [Address]	Varnell & Warwick, P.A. c/o Brian W. Warwick 1101 E. Cumberland Ave., Suite 201H, #105 Tampa, FL 33602	Benesch, Friedlander, Coplan & Aronoff LLP c/o Gregory J. Phillips 200 Public Square, Suite 2300 Cleveland, OH 44114

20 What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the proposed settlement. You can object only if you stay in the Settlement Class as a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

FINAL APPROVAL HEARING

21. When and where will the Court decide to approve the settlement?

The Court will hold a hearing to decide whether to grant final approval of the settlement. You may attend and you may ask to speak, but you do not have to attend or speak. The Court will hold a hearing (the “Final Approval Hearing”) on____at____at am/pm at the Joseph P. Kinneary U.S. Courthouse, Room 109, 85 Marconi Boulevard, Columbus, Ohio 43215 to decide whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Watson may listen to people who have asked to speak at the hearing. The Court might also decide how much Class Counsel should be paid for representing the Class and whether Service Awards should be paid to Named Plaintiffs for their time and effort in representing the Settlement Class. After the hearing, the Court will decide whether to approve the settlement. We do not know how long it will take for the Court to make its decision.

22. Do I have to come to the Final Approval Hearing?

No, but you are welcome to come at your own expense if you do not exclude yourself from the settlement. Class Counsel will answer questions that Judge Watson might have. If you send a comment or objection, you do not have to come to the Final Approval Hearing to talk about it. As long as you sent your comment or objection such that it was timely, the Court will consider it. If you decide to hire your own attorney, he or she may also attend the Final Approval Hearing, but it is not necessary.

23. May I speak at the Final Approval Hearing?

If you do not exclude yourself, you may ask the Court’s permission to speak at the Final Approval Hearing concerning the proposed settlement or Class Counsel’s request for attorneys’ fees and expenses or the Service Awards for the Named Plaintiffs. To do so, you must send a letter to the Court, and provide a copy to Class Counsel and LeafFilter’s Counsel, indicating that you intend to appear at the Final Approval Hearing in *Zilinsky, et al. v. LeafFilter North, LLC.*, Case No. 2:20-cv-6229-MHW (KAJ) (S.D. Ohio). The letter must include copies of any papers, exhibits, or other evidence that the objecting Settlement Class Member (or the objecting Settlement Class Member’s counsel) will present to the Court in connection with the Final Approval Hearing. You must send your notice to the Clerk of the Court, Class Counsel, and LeafFilter’s Counsel at the three addresses listed under Questions 18 and 20 above, postmarked no later than____. You may combine this notice and your comment or objection (described under Question 18) in a single letter. You cannot speak at the Final Approval Hearing if you exclude yourself from the proposed settlement.

IF YOU DO NOTHING

24. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class but you will not receive reimbursement for eligible out-of-pocket expenses or Vouchers for future Debris Accumulation Cleanings (you must file a claim to be considered for these benefits). Furthermore, you will not be permitted to appear and speak at the Final Approval Hearing.

ADDITIONAL INFORMATION

25. Are there more details available?

You can obtain more information by visiting the Settlement Website, www.leafilter.com, where you can find extra Claim Forms, information about the history of this litigation and the status of the proposed settlement, and documents such as the First Amended Class Action Complaint, LeafFilter's answer and affirmative defenses, and Class Counsel's application for fees and expenses and the Named Plaintiffs' Service Awards filed by the Plaintiffs. You can also submit claims directly through the Settlement Website (www.leafilter.com).

You may also call or write Class Counsel at:

VARNELL & WARWICK, P.A.

1101 E. Cumberland Ave.,

Suite 201H, #105

Tampa, Florida 33602

Telephone: (352) 753-8600

Regarding: LeafFilter settlement

GOLDENBERG SCHNEIDER, LPA

4445 Lake Forest Drive, Suite 490

Cincinnati, Ohio 45242

Telephone: (513) 345-8291

Regarding: LeafFilter settlement

Questions? Visit www.leafilter.com or call toll free 1-800-368-3636